



TEXAS BOARD OF NURSING

2022 ANNUAL REPORT

BOARD MEMBERS

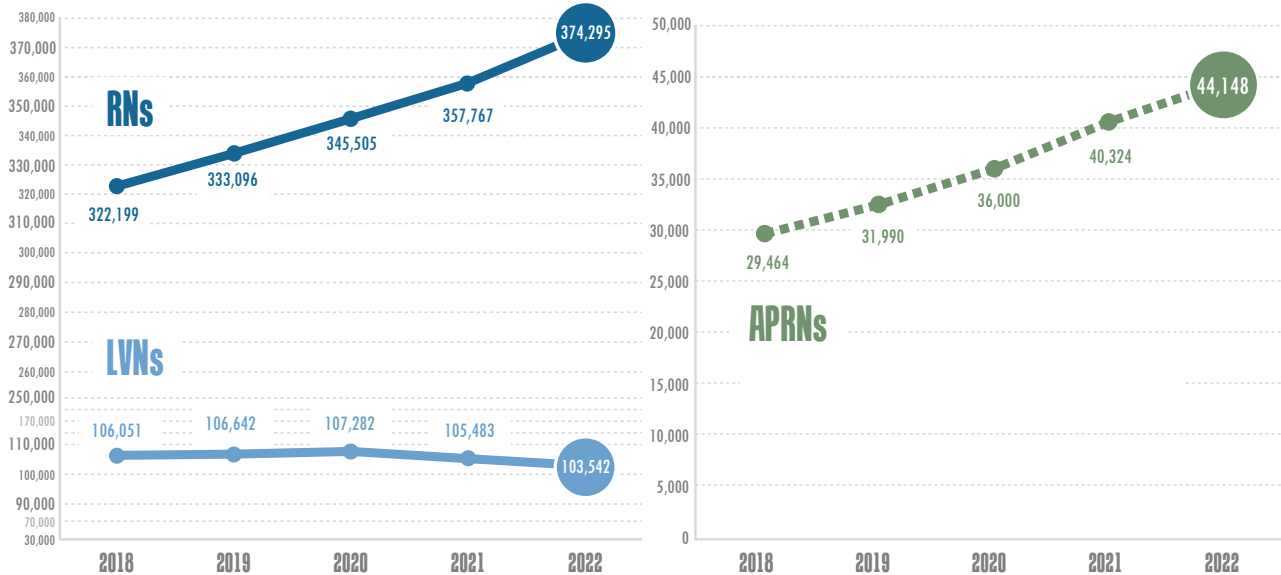
Kathy Shipp, President, MSN, RN, FNP, Representing APRN Practice, Lubbock
Allison Porter-Edwards, DrPH, MS, RN, CNE, Vice President, Representing BSN Education, Bellaire
Daryl Chambers, BBA, Consumer Member, Grand Prairie
Laura Disque, MN, RN, Representing RN Practice, Edinburg
Carol Kay Hawkins-Garcia, RN, LVN, Representing RN Practice, San Antonio
Mazie M. Jamison, BA, MA, Consumer Member, Dallas
Kenneth D. Johnson, RN, Representing LVN Education, San Angelo
Kathy Leader-Horn, LVN, Representing LVN Practice, Granbury
David Saucedo, II, Consumer Member, El Paso
Melissa D. Schat, LVN, Representing LVN Practice, Granbury
Tyrone Sharp, PhD, MBA, MSN, MA, Med, RN, Representing ADN Education, Houston
Rickey "Rick" Williams, AA, Consumer Member, Killeen
Kimberly L. "Kim" Wright, LVN, Representing LVN Practice, Big Spring

OPERATIONS

NUMBER OF RNS/LVNS/APRNS IN TEXAS: FY2018-2022

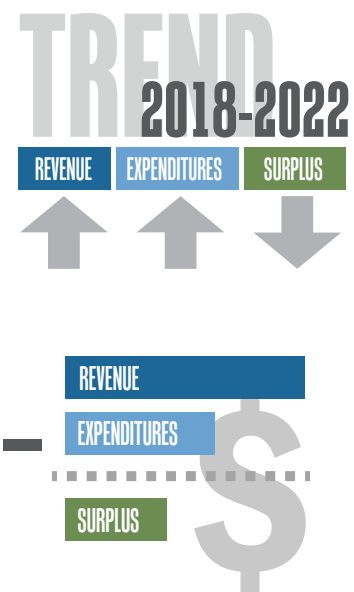
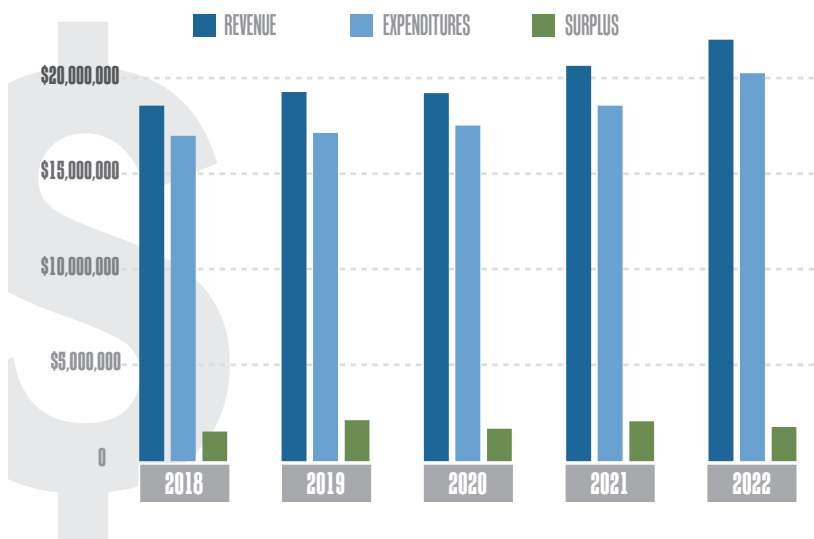
i The growth in current LVN licensure has started to decline from the past fiscal year by 1.7%. The average annual growth in RN licensure was 3.5% with growth in APRN licensure averaging 12%.

The RN population experienced growth in both licensure by examination and endorsement and the growth of APRNs continues at a steady increase over the past five years.



TEXAS BOARD OF NURSING REVENUE/ EXPENDITURES: FY2018-2022

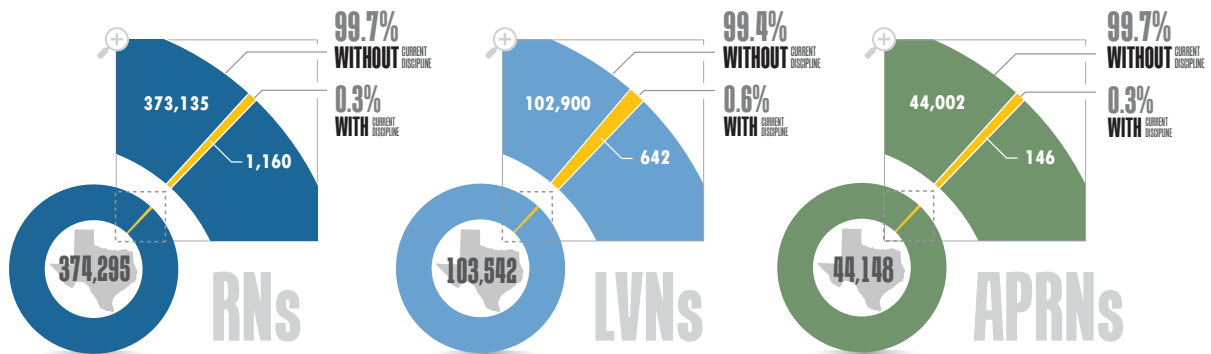
i The continued growth in licensees in Texas has resulted in higher revenue from license renewals. The BON attempts to maintain a balance of funds approved by the Texas Legislature but the sustained growth of RNs and APRNs provides additional revenue beyond projections.



ENFORCEMENT

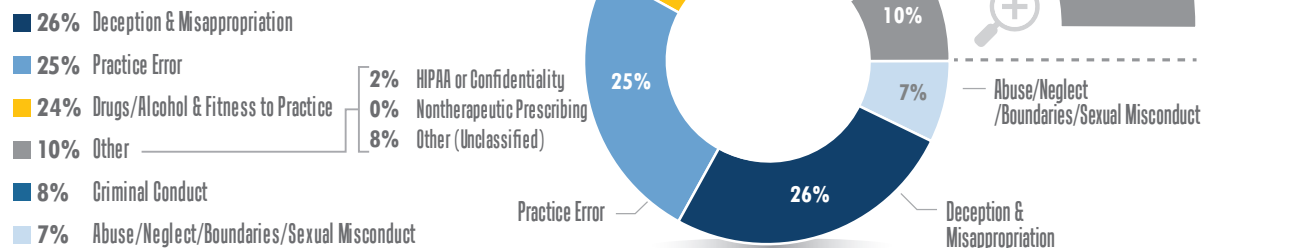
NURSES WITH CURRENT DISCIPLINE: FY2022 PERCENTAGE OF CASES COMPARED TO TOTAL POPULATION OF LICENSEES

i Current discipline affects a very small population of nurses — only 0.3% of Registered Nurses, 0.6% of Vocational Nurses and 0.3% of Advanced Practice Registered Nurses have current discipline as of the end of FY2022.

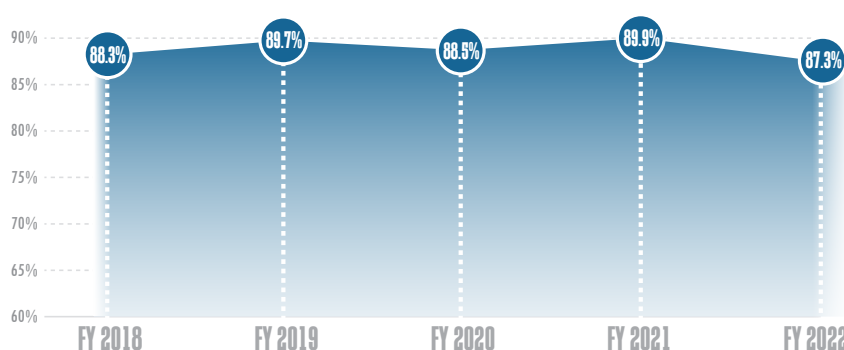


TYPES OF CASES RESULTING IN DISCIPLINE: FY2022 PERCENTAGE OF TOTAL COMPLAINT TOPICS RESULTING IN DISCIPLINE

i About half (50%) of complaints resulting in discipline included concerns about use of drugs/alcohol, fitness to practice, deception, and misappropriation, while concerns involving nursing practice issues represented 25% of the complaints.



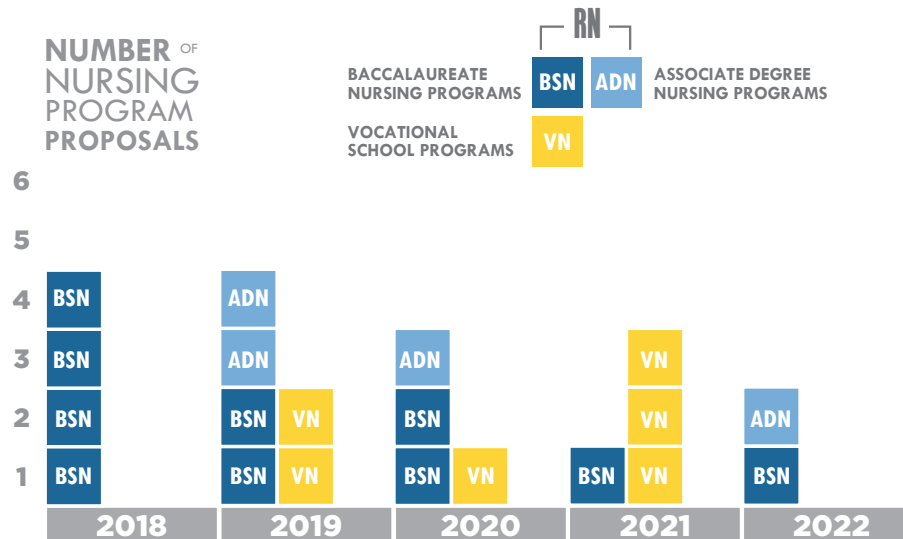
PERCENTAGE OF CASES CLOSED IN SIX MONTHS: FY2018-2022



i The Board routinely closes nearly 9 out of 10 cases within 6 months.

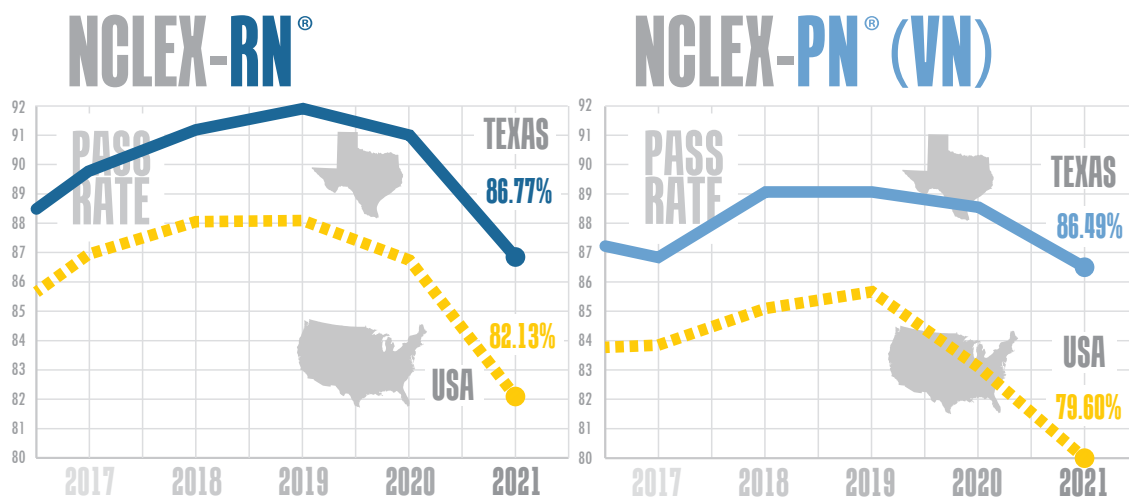
EDUCATION

NUMBER OF PROGRAM PROPOSALS REVIEWED/APPROVED: FY2018-2022



i From FY 2018-2022, the BON approved 20 new nursing education programs: 10 were baccalaureate degree, 4 were associate degree, and 6 were vocational certificate.

TEXAS NURSING EDUCATION PROGRAM NCLEX® PASS RATES COMPARED TO NATIONAL PASS RATES



i The annual NCLEX-RN® and NCLEX-PN® examination pass rates of first time test-takers from registered nursing and vocational nursing programs in Texas have continued to be above the national average since 2017.

I. Agency Mission and Values of the Texas Board of Nursing

The mission of the Texas Board of Nursing (BON or Board) is to protect and promote the welfare of the people of Texas by ensuring that each person holding a license as a nurse in the State of Texas is competent to practice safely. The Board fulfills its mission through the regulation of the practice of nursing and the approval of nursing education programs. This mission, derived from the Nursing Practice Act (NPA), supersedes the interest of any individual, the nursing profession, or any special interest group.

Acting in accordance with the highest standards of ethics, accountability, efficiency, effectiveness, and openness, the Texas Board of Nursing approaches its mission with a deep sense of purpose and responsibility and affirms that the regulation of nursing is a public and private trust. The Board assumes a proactive leadership role in regulating nursing practice and nursing education. The Board serves as a catalyst for developing partnerships and promoting collaboration in addressing regulatory issues. The public and nursing community alike can be assured of a balanced and responsible approach to regulation.

II. Legal/Enforcement Highlights

Number of New Cases – Investigator Caseloads

In FY 2022, the Board opened 21,187 new cases, which was 4,200 cases more than opened in FY 2021. The most significant contributors to the increased cases in FY 2022 were the completion of a retrospective administrative review of renewal applications submitted during the first 10 months of using the new licensure system along with significant increases in the number of student background checks and rap back reports.

Prior to FY 2019, the Board had routinely been closing more cases each year than were opened. In FY 2022, as in the three prior fiscal years, the Board again closed fewer cases than new cases opened, likely due to vacant investigator positions and delays in obtaining records during the COVID-19 pandemic. By the end of FY 2022, average investigator caseload again increased by 7% to 131 cases per investigator.

Disciplinary Actions

The percent of complaints resulting in discipline declined from 9.7% in FY 2021 to 8.1% in FY 2022. This may be attributed to the Board's continued use of a modified approach to criminal conduct subsequent to the most recent Sunset Advisory Commission review.

Informal Settlement Conferences – Mediations - Temporary Suspensions

The number of informal settlement conferences and mediations both decreased in FY 2022. There were 15 informal conferences, 117 mediations, and 39 temporary suspensions conducted in FY 2022.

III. Licensing Highlights

Continued Growth in Professional Nursing – Continued Decline in New Licenses for Vocational Nurses

Texas continues to have a substantial growth in the numbers of licensed Advanced Practice Registered Nurses with newly issued licenses growing 9.4% from FY 2021 to FY 2022. Likewise, the total number of Registered Nurses continues to grow from both examination and endorsement from other US jurisdictions increasing 4.6% from FY 2021 to FY 2022.

A continued trend from the previous fiscal years is the overall decline in the number of currently Licensed Vocational Nurses. From FY 2021 to FY 2022 there has been a 1.8% decrease in the total number of LVNs holding a current license in Texas.

Of note is the drastic increase of applications for the NCLEX-RN by international applicants. After a drop of international applications during the height of the pandemic in FY 2021 due to international testing centers closures, the number of applications increased 163% in FY 2022.

The Texas Nurse Portal has continued to allow the Board to transition from a paper-based licensing system to a completely paperless system. The new Texas Nurse Portal is a confidential and secure system that allows applicants to apply online for nurse licensure by examination, endorsement, or renewal. The impact of this new system has greatly increased the efficiency of the licensing process for both constituents and staff. The agency continued to refine internal processes and update licensing software which enables staff to be more efficient.

As of September 1, 2022, the Board no longer accepts paper license verification documents, letters of employment and affidavits of graduation. It is now mandatory to email documents directly from the source to the Board.

The Board relocated to the George H. W. Bush State Office Building located at 1801 Congress Avenue. In preparation for the move, the agency focused efforts on records retention to minimize the volume of paper required to be moved. As the agency continues to strive toward more paperless operations and increased reliance on electronic documentation and communication, the need for information technology expertise has increased which is likely to impact future agency budget requests.

IV. Nursing Education Highlights

Nursing Education and the Nursing Shortage in Texas

The Pandemic underscored the urgency of the nursing shortage in Texas and the nation. The Board continued to receive letters of intent from parties planning to seek approval to offer a new nursing education program during FY 2022. From FY 2006 – FY 2022, the Board approved 96 new nursing education programs. Of these 96 new programs, 28% (27) have closed due to various reasons including low NCLEX® pass rates, financial instability, loss of national accreditation, and low enrollment. Growing the number of programs must be executed cautiously given that the two most frequently cited challenges to growing the nursing workforce in Texas are the scarcity of clinical placements and a shortage of faculty.

The Pandemic created difficulties for nursing education and health care settings that have partially been responsible for the development of new models of clinical learning and practice for nursing students. Terms such as internships, apprenticeships, clinical capstones, and nurse extern programs describe intensive clinical learning experiences where nursing students are viewed as a member of a clinical team under the supervision of a preceptor or nursing faculty. Throughout FY 2022, the Board's education consultants continued to work closely with education programs to foster and support creative solutions to the persistent challenges of restricted clinical learning settings. The waiver introduced in March 2020 to allow students in the final year of a program to exceed the 50% ceiling on simulated clinical learning experiences expired on September 1, 2022. Programs have continued to work diligently to optimize clinical education. Among the novel initiatives taken by some programs was implementing practice-academic partnerships as proposed by the 2020 Nursing Summit and NCSBN, in which nursing students assist in practice settings as paid clinical staff while they simultaneously earn academic credit to meet their clinical course objectives.

Advantages of using practice-academic partnerships include: a more comfortable transition of students to actual practice, employment opportunities, satisfaction by students and clinical settings, additional nursing staff to assist in the clinical setting, and the experience nursing students gain as a health care team member.

The Texas Higher Education Coordinating Board administers the Nursing Shortage Reduction Program and the Nursing Innovation Grant Program, both designed to

increase the supply of registered nurses in Texas. During FY 2022, the Texas Workforce Commission began accepting applications for healthcare apprenticeships to increase the number of registered nurses in Texas. Board Staff have consulted closely with both agencies during program planning. Many programs have implemented other creative curriculum changes and the Board provided guidance through 3.7.1.a Supplement Education Guideline, Proposals for Post-COVID-19 Curriculum Changes.

NCLEX® Examination Pass Rates in Texas & Next Generation NCLEX® Rollout

The effects of the Pandemic on nursing education continued to impact NCLEX® pass rates in Texas and the nation during FY 2022. The NCLEX® pass rates for 2021 decreased from 2020 for both vocational and professional nursing education programs but remained above the national exam pass rate averages. Forty-four vocational nursing programs in Texas experienced an NCLEX-PN® examination pass rate for 2021 above 90% with 18 of the 44 scoring 100%. Forty-six professional nursing education programs in Texas experienced 2021 NCLEX-RN® examination pass rate above 90% with four programs scoring 100%. Board staff will monitor future pass rates and work closely with programs that are required to complete self-studies.

In April 2023 a new NCLEX® will be launched as a result of a multiphase research project conducted by the National Council of State Boards of Nursing. These new Next Generation NCLEX®(NGN) items are designed to measure the complex clinical judgments nurses must be able to make in order to provide safe and effective patient care. A Clinical Judgment Measurement Model (CJMM) was designed based upon leading theories of decision making (information processing; intuitive/ humanistic; and cognitive continuum). The CJMM depicts a nursing decision making model involving recognizing and analyzing cues, prioritizing hypotheses, generating solutions, taking action, and evaluating outcomes. Board Staff have provided education programs with regular updates since the project inception in 2017 to allow programs to make any necessary curricular adjustments prior to the NGN launch. In April of 2024, the Board will review the results of the first year of NGN.

Out-of-State Nursing Education Programs

Throughout FY 2022, Board staff continued to receive exam and endorsement LVN and RN licensure applications from graduates of out-of-state nursing education programs, many of whose approval status has been revoked due to low NCLEX® pass rates, or if still approved by another board or nursing having extremely low NCLEX® pass rates. Licensing and education staff continued to implement a review process initiated in FY 2021 to ensure that these applicants were educated by

a program that is substantively equivalent to programs approved in Texas. While the initial numbers of such applications significantly increased the workload of both licensing and education staff the number of applications with questionable education quality has stabilized somewhat. Board staff will continue to monitor this trend to determine if additional staff will need to be requested during the next legislative session.

V. Nursing Practice Highlights

Advanced Practice Registered Nurse Scope of Practice Rule Amendments

The Advanced Practice Nursing Advisory Committee (APNAC) met twice during FY 2022 to make recommendations for amendments to Board Rule 221.12, related to scope of practice for Advanced Practice Registered Nurses (APRNs). These amendments were presented to and approved by the Board at the July 2022 quarterly Board meeting. Public comments received from stakeholders were considered by APNAC at its January 5, 2023 meeting. In addition to amendments to Board Rule 221.12, APNAC recommended that staff develop scope of practice guidance documents to help practicing APRNs make sound scope of practice decisions. These practice resources are currently being developed and will be launched during FY 2023.

Support for the Texas Prescription Monitoring Program

The Texas Prescription Monitoring Program (PMP), managed by the Texas State Board of Pharmacy, collects and monitors outpatient prescription data for all Schedule II, III, IV and V controlled substances dispensed by a pharmacy in Texas. The primary intent of the PMP is to prevent prescription drug misuse, diversion and overdose. As of March 1, 2020, Texas prescribers, including those advanced practice registered nurses (APRNs_ with prescriptive authority who prescribe controlled substances and pharmacists are required by law to check the PMP for every patient, every time, before prescribing or dispensing opioids, benzodiazepines, barbiturates, or carisoprodol. The Board of Nursing supports the PMP by funding based upon the population of APRNs with prescriptive authority in Texas. As a member agency of the Interagency Prescription Monitoring Workgroup, which was created

to evaluate the effectiveness of the PMP monitoring and offer recommendations for its improvement, the Board of Nursing supports the Pharmacy Board's request for additional appropriations to enhance the Texas Prescription Monitoring Program through the addition of NarxCare and Statewide Integration. These two software solutions will improve the Prescription Monitoring Program and allow for better and easier monitoring, patient care and safety.

Consultative Functions

In addition to its education outreach functions, the practice team also consulted frequently with the enforcement and legal teams on disciplinary matters related to nursing-practice violations.

Consultants assisted with case reviews, many mediations, and served as expert witnesses during virtual hearings before the State Office of Administrative Hearings. This type of consultative work is highly detailed and time intensive. Consultants also participated in informal conference hearings and Eligibility and Discipline Committee meetings. This role remained active during FY 2022 as mediations and formal hearings continued. Additionally, staff continued consultation with stakeholders to stay abreast of new trends in nursing practice. Staff will monitor these trends to determine if the agency will need to request additional staff in the 2025 legislative session.

Education Offerings for Nurses

The practice team continued to offer nursing jurisprudence and ethics workshops virtually as well as a collection of online courses on additional topics including documentation, nursing peer review, APRN scope of practice, and APRN prescriptive authority throughout FY 2022. Participant feedback on virtual offerings continues to be positive as they provide a practical and accessible method to obtain continuing nursing education and meet board order educational requirements. The practice team will embark on one face to face workshop offering in June 2023 and continue to offer several additional virtual offerings to meet the nursing jurisprudence and ethics learning needs of nurses in Texas.